

REMARKS

Examiner Interview

Applicants would like to thank Examiner Higgins for the telephonic interview on Monday, March 8, 2010. Claims 29, 37 and 38 were discussed. No agreement was reached. The examiner indicated that the proposed amendments required further searching.

Claim Objections and §112 Rejections

The amendments adopt the recommendations of the examiner and therefore should address the objections and §112 rejections.

Rejection for Obviousness

The rejection of all of the pending claims as being obvious based on Errichiello, in view of one or more of Miyamoto, Peters et al. and Reed et al, is respectfully traversed for at least the following reasons.

Although Errichiello mentions that the inserts 32 and 34 can have “printing”, it is submitted that this does not mean or suggest that the inserts are shaped, by cutting or otherwise, to contours of the printing, as required by the claims. Furthermore, it is submitted that Errichiello’s molded inserts are not the same as a sheet that is cut. Although process steps are not considered when assessing patentability, it is submitted that the structure that is implied by the process should be considered. *See* M.P.E.P. §2113. It is submitted that molded elements have a different structure than one that is cut from a sheet.

These errors are found in the reasoning supporting the rejection of each of the claims, and therefore it is respectfully submitted that the examiner has not, because of these errors, established a *prima facie* case of obviousness for any of the claims.

Claim Amendments

The claims have been further amended to include the limitation that a clear plastic laminate sheet overlay the printed image on the image sheet, which is cut to the contours of the printed image. It is submitted that the prior art of record does not disclose an image sheet on which a printed image is printed, over which there is a clear plastic laminate having the contours of printed image. It is submitted that Reed et al. teaches or suggests only placing a clear plastic laminate over an entire book cover.

In view of the above amendment and remarks, applicants respectfully request reconsideration of the application and submit that the present application is in condition for allowance. A notice to that effect is respectfully requested.

Applicants are paying the fee for filing a Request for Continued Examination at the time of electronic filing of this paper. Applicants believe no further fees are due; however, the Director is hereby authorized to charge any additional fees due or credit any overpayments made to Deposit Account No. 070153 of Gardere Wynne Sewell LLP, referencing 125447-1005.

Dated: March 12, 2010

Respectfully submitted,

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